

REMARKS

Claims 1-39 are currently pending in this application. Claims 1-39 stand rejected. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

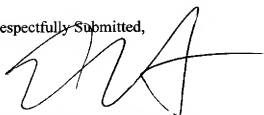
Claims 1-29 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for reciting an "amount of time" and "scanning speed" in claim 1. Applicant has amended claim 1 to more definitely recite the claimed subject matter and based on the suggestion in the Office Action. Support for the amendment can be found in the application as filed, for example, at paragraph 0026. Accordingly, Applicant submits that the 35 U.S.C. § 112 should be withdrawn.

Claims 1-39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogino et al. (U.S. Patent 7,082,440), hereafter Ogino in view of Schweikard et al. (U.S. Patent 6,501,981), hereafter Schweikard. Applicant respectfully traverses this rejection for at least the reasons set forth hereafter.

Claims 1-39 have been rejected based on the combination of Ogino and Schweikard. The Ogino patent is a 102(e) reference. Applicant respectfully submits that the Ogino reference should be disqualified as prior art under 35 U.S.C. § 103(c). Applicant has submitted separately herewith a Statement Concerning Common Ownership to support the disqualification of Ogino as prior art. Accordingly, Applicant submits that the rejection of claims 1-39 based on Ogino in combination with Schweikard under 35 U.S.C. § 103(a) should be withdrawn.

In view of the foregoing amendments and remarks, it is respectfully submitted that the cited references neither anticipate nor render obvious the claimed invention and the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'E. Sotiriou', written over a horizontal line.

Date: June 25, 2008

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